

PAYNE & FEARS LLP
ATTORNEYS AT LAW
6385 S. RAINBOW BLVD., SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300

1 Scott S. Thomas
Nevada Bar No. 7937
2 sst@paynefears.com
Sarah J. Odia
3 Nevada Bar No. 11053
sjo@paynefears.com
4 PAYNE & FEARS LLP
6385 S. Rainbow Blvd., Suite 220
5 Las Vegas, Nevada 89118
Telephone: (702) 851-0300
6 Facsimile: (702) 851-0315

7 Attorneys for Plaintiff CENTEX HOMES

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11
12 CENTEX HOMES, a Nevada general
partnership,

13 Plaintiff,

14 v.

15 FINANCIAL PACIFIC INSURANCE
16 COMPANY, a California corporation;
EVEREST NATIONAL INSURANCE
17 COMPANY, a Delaware corporation; ST.
PAUL FIRE AND MARINE INSURANCE
18 COMPANY, a Connecticut corporation;
ARCH SPECIALTY INSURANCE
19 COMPANY, a Nebraska corporation;
INTERSTATE FIRE & CASUALTY
20 COMPANY, an Illinois corporation;
LEXINGTON INSURANCE COMPANY, a
21 Delaware corporation; NAVIGATORS
SPECIALTY INSURANCE COMPANY, a
22 New York corporation; FEDERAL
INSURANCE COMPANY, an Indiana
23 corporation; FIRST MERCURY
INSURANCE COMPANY, an Illinois
24 corporation; FIRST SPECIALTY
INSURANCE CORPORATION, a Missouri
25 corporation; and AXIS SURPLUS
INSURANCE COMPANY, an Illinois
26 corporation,

27 Defendants.
28

Case No. 2:19-cv-01284-JCM-VCF

**STIPULATION FOR DISMISSAL WITH
PREJUDICE AND ORDER**

IT IS HEREBY STIPULATED by and between Plaintiff and Counter-Defendant Centex Homes (“Centex”), Defendant, Counterclaimant, and Cross-Complainant Everest National Insurance Company (“Everest”), Defendant/Cross-Defendant Lexington Insurance Company, and Defendant/Cross-Defendant AXIS Surplus Insurance Company, through their respective attorneys of record, that Centex’s Complaint filed against Everest shall be dismissed with prejudice pursuant to FRCP 41(a)(2). Further, Everest’s Counterclaim filed against Centex shall be dismissed with prejudice pursuant to FRCP 41(a)(2). Further, Everest’s Cross-Claim filed against Lexington Insurance Company and AXIS Surplus Insurance Company shall be dismissed with prejudice pursuant to FRCP 41 (a)(2).

Each party shall bear their own attorneys’ fees and costs.

<p>Dated: <u>April 13, 2021</u></p> <p>PAYNE & FEARS LLP</p> <p>By: <u>/s/ Sarah J. Odia</u> Sarah J. Odia, Esq. 6385 S. Rainbow Blvd., Ste. 220 Las Vegas, NV 89118 (702) 851-0300</p> <p>Attorneys for Plaintiff/Counter-Defendant CENTEX HOMES</p>	<p>Dated: <u>April 13, 2021</u></p> <p>SELMAN BREITMAN LLP</p> <p>By: <u>/s/ David Astengo</u> David Astengo, Esq. 333 New Montgomery, Sixth Floor San Francisco, CA 94105-4537 T: 415-979-0400</p> <p>Attorneys for Defendant, Counterclaimant and Cross-Complainant EVEREST NATIONAL INSURANCE COMPANY</p>
<p>Dated: <u>April 13, 2021</u></p> <p>COZEN O’CONNOR</p> <p>By: <u>/s/ Michael W. Melendez</u> Michael W. Melendez, Esq. 101 Montgomery Street, Suite 1400 San Francisco, CA 94104 Telephone: (415) 593-9610</p> <p>Attorney for Defendant and Cross-Defendant AXIS SURPLUS INSURANCE COMPANY</p>	<p>Dated: <u>April 13, 2021</u></p> <p>HEROLD & SAGER</p> <p>By: <u>/s/ Joshua A. Zlotlow</u> Andrew D. Herold, Esq. Joshua A. Zlotlow 3960 Howard Hughes Pkwy., Ste. 500 Las Vegas, NV 89169 Telephone: (702) 990-3624</p> <p>Attorney for Defendant and Cross-Defendant LEXINGTON INSURANCE COMPANY</p>

PAYNE & FEARS LLP
ATTORNEYS AT LAW
6385 S. RAINBOW BLVD, SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300

ORDER

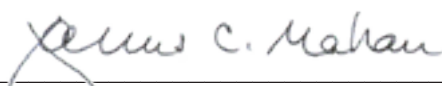
IT IS SO ORDERED that Plaintiff and Counter-Defendant Centex Homes (“Centex”), Defendant, Counterclaimant, and Cross-Complainant Everest National Insurance Company (“Everest”), Defendant/Cross-Defendant Lexington Insurance Company, and Defendant/Cross-Defendant AXIS Surplus Insurance Company in the instant matter, Case No. 2:19-cv-01284-JCM-VCF, are dismissed with prejudice.

IT IS FURTHER ORDERED that Everest’s Counterclaim against Centex in the instant matter, Case No. 2:19-cv-01284-JCM-VCF, are dismissed with prejudice.

IT IS FURTHER ORDERED that Everest’s Cross-Complaint against Lexington Insurance Company and AXIS Surplus Insurance Company in the instant matter, Case No. 2:19-cv-01284-JCM-VCF, are dismissed with prejudice.

All parties shall bear their own attorneys’ fees and costs.

DATED: April 14, 2021



HONORABLE JUDGE JAMES C. MAHAN
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on April __, 2021, I electronically served a copy of the above and foregoing, **STIPULATION FOR DISMISSAL WITH PREJUDICE AND [PROPOSED] ORDER** via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic filing user with the clerk.

/s/

Erica Bennett-Mendoza
An employee of PAYNE & FEARS LLP

4847-5516-1828.2

PAYNE & FEARS LLP
ATTORNEYS AT LAW
6385 S. RAINBOW BLVD., SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300